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With Solutions and Notes

U.S. Naval War College (Editor)

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II

INTERNATIONAL COMMITTEE FOR THE APPLICATION OF
THE AGREEMENT REGARDING NON-INTERVENTION IN
SPAINRESOLUTION RELATING TO THE SCHEME OF OBSERVATION OF THE
SPANISH FRONTIERS BY LAND AND SEA,* ADOPTED AT LON-
DON, MARCH 8, 1937

The Governments represented on the International Committee † for the application of the Agreement regarding Non-Intervention in Spain having approved the resolution passed on the 16th February, 1937, by the Committee to the effect that the Agreement should be extended as from midnight the 20th–21st February, 1937, to cover the recruitment in, the transit through, or the departure from, their respective countries of persons of non-Spanish nationality proposing to proceed to Spain, Spanish Possessions or the Spanish Zone of Morocco for the purpose of taking part in the present conflict; and

(2) Having deemed it expedient to establish a system of observation round the frontiers of Spain, the Spanish Possessions and the Spanish Zone of Morocco for the purpose of ascertaining whether the Agreement is being observed; and

(3) His Majesty's Government in the United Kingdom having accepted an invitation by the Portuguese Government to observe the carrying out of the Agreement in Portugal, and for this purpose to appoint British observers to be attached to His Majesty's Embassy in Lisbon; and

(4) His Majesty's Government in the United Kingdom having informed the Committee that they are satisfied that

* British White Paper, Spain No. 1 (1937), *Cmd.* 5399.

† List of countries represented on the International Committee: Albania, Austria, Belgium, United Kingdom, Bulgaria, Czechoslovakia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Irish Free State, Italy, Latvia, Lithuania, Luxemburg Netherlands, Norway, Poland, Portugal, Roumania, Sweden, Turkey, Soviet Union, Yugoslavia.

the agreement reached between them and the Portuguese Government as a result of this invitation is fully adequate from every point of view to enable His Majesty's Government to discharge the responsibilities which they have agreed to assume, and that they will communicate to the International Committee any information which may be reported to them by His Majesty's Ambassador at Lisbon regarding infringements of the Non-Intervention Agreement; and

(5) The Committee being fully confident in the discharge by His Majesty's Government in the United Kingdom of these responsibilities in regard to the Portuguese frontiers, in collaboration with the Portuguese Government, agrees on behalf of the Governments represented thereon, that the system of observation on the Franco-Spanish frontier, the frontier between Spain and Gibraltar, and the maritime frontiers of Spain, the Spanish Possessions, and the Spanish Zone in Morocco, shall be carried out in the manner indicated in the Annex attached hereto unless otherwise amended or determined.

ANNEX

I. THE ORGANISATION OF THE SYSTEM OF OBSERVATION

Establishment of the "International Board for Non-Intervention in Spain."

1. The system of observation will be administered on behalf of the participating Governments by a Board to be known as the "International Board for Non-Intervention in Spain," and hereinafter referred to as the Board, consisting of a Chairman, to be appointed by the International Committee, and of five members nominated by the Representatives of the Governments of the United Kingdom, France, Germany, Italy and the U. S. S. R.

The functions of the Board.

2. The Board will have power to decide all questions relating to the administration of the scheme, but it will be the duty of the Board to submit all matters raising questions of principle to the International Committee for decision by that body on behalf of the participating Governments.

II. THE ESTABLISHMENT OF A SYSTEM OF OBSERVATION ON THE SPANISH LAND FRONTIERS

The establishment of observation on the Spanish land frontiers.

3. In view of the fact that a special arrangement has been reached between the United Kingdom and Portuguese Governments, as referred to in paragraphs 3 and 4 of the foregoing Resolution, regarding the Portuguese frontiers, there shall be stationed on the French side of the Franco-Spanish frontier and on the British side of the Gibraltar-Spanish frontier an international staff charged with the observation of the enforcement of the Non-Intervention Agreement.

The regime to be established on the frontiers.

4. For the purposes of the scheme, the Franco-Spanish frontier will be divided into zones, each of which will be in the charge of an "Administrator" who will be responsible for the system of observation to be established in that zone to the "Chief Administrator" who will be responsible for the whole frontier. Part of the international staff will be stationed at railway and road crossings over the frontier, and part will be equipped on a mobile basis. These officials will work in close collaboration with the appropriate French authorities. As there is only one crossing from Gibraltar into Spain, the necessary observation will be carried out by one "Administrator" with a small staff of subordinate rank.

The facilities to be accorded to, and the duties of, Administrators under the land observation scheme.

5. The facilities to be accorded to, and the duties of, the Administrators have been defined as follows:

(1) The Chief Administrator, Administrators, and their subordinates shall enjoy the immunities normally accorded to diplomatic officers, and the Chief Administrator shall have the right of free communication with the Board. Further, the Chief Administrator and the Administrators and their subordinates shall be granted by the Governments of the countries concerned full facilities to enable them to exercise the rights and to discharge the duties assigned to them, and, in particular, those rights and duties enumerated in Sections (2) and (3) below.

(2) These facilities will include—

(a) the right of free entry at any time into railway establishments, and similar premises;

(b) the right, in accordance with (3) below, of making such inspections as they may think proper in the premises referred to in (a) above, for the purpose of establishing whether any arms or war material are being exported into Spain or whether foreign nationals are entering that country for the purpose of taking service in the present conflict, in contravention of the Agreement for Non-Intervention;

(c) the right (i) to call upon the responsible authorities for documents relating to the nature of particular consignments of goods, and (ii) to examine the passports of persons proceeding to Spain;

(d) the grant of the same priority for telephone and telegraph services as are accorded to diplomatic officers stationed in, or national officials of, the country in question.

(3) It will be the duty of the Chief Administrator in France and of the Administrator at Gibraltar—

(a) when called upon by the Board, to investigate, and to report on, any particular case in respect of which a complaint has been submitted to the Committee by the Representative of a Government which is a party to the Non-Intervention Agreement;

(b) whenever, as the result of investigations carried out by the international staff, on their own initiative, he has satisfied himself that a consignment of arms or war material (including aircraft) has been exported into Spain or that foreign nationals have entered Spain for the purpose of taking service in the present conflict, in contravention of the Agreement, to submit forthwith identical reports in regard thereto—

(i) to the Board;

(ii) to an official nominated for the purpose by the Government of the country in which he is stationed.

(4) In addition to the rights and duties set out above, the Chief Administrator in France and the Administrator in Gibraltar will have the right at all times to communicate direct with the Board on any matter connected with the discharge of their duties.

III. THE ESTABLISHMENT OF A SYSTEM OF OBSERVATION OF SHIPS
HAVING THE RIGHT TO FLY THE FLAGS OF THE PARTICIPATING
COUNTRIES, PROCEEDING TO THE PORTS OF SPAIN OR THE
SPANISH DEPENDENCIES

The general character of the scheme for sea observation.

6. All ships having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement (other than naval vessels) proceeding to Spain or to one of the Spanish Possessions, or to the Spanish Zone in Morocco, will—

(a) subject to such exceptions as are set out in the following paragraphs in this chapter, embark at one of the ports specified in paragraph 12 below two or more "Observing Officers" appointed by the International Committee whose duty it will be to observe the unloading of the ship in Spanish ports, or

(b) at the discretion of the Administrator or Deputy Administrator in charge of the Observation Port in question, embark one Observing Officer in the case of small ships, ships carrying cargo in bulk, or ships in ballast, the Governments concerned taking such steps as are necessary to require the owners and masters of ships having the right to fly their respective flags to comply with the provisions set out in the following paragraphs.

The duties of the Chief Administrator.

7. The general organisation of the system of observation described in paragraph 6 above will be entrusted to a "Chief Administrator." It will be the duty of the Chief Administrator to determine the allocation of the "Observing Officers" as between one Observation Port and another in the light of the day to day requirements of each port. Subject to the general direction of the Board, the Chief Administrator will be responsible for all questions relating to the discipline and posting of the international staff employed at the Observation Ports.

The duties of the Administrators and Deputy Administrators.

8. At each of the Observation Ports enumerated in paragraph 12 below, an "Administrator" or "Deputy Administrator" will, subject to the general direction of the Chief

Administrator referred to in paragraph 7 above, be responsible for the organisation of the observation scheme in that port, and in particular for arranging for the embarkation of Observing Officers on, and their disembarkation from, ships having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement, proceeding to Spanish ports that have called at the Observation Port in question for the purpose of complying with the scheme of observation.

9. It will be the duty of each Administrator or Deputy Administrator in charge of an Observation Port—

(a) to determine in the light of actual conditions how many Observing Officers should be embarked in each vessel calling at the port for the purpose of submitting to observation;

(b) to notify to the Board the names of all vessels bound from his port for Spanish ports which had embarked Observing Officers and the names of those officers, it being the duty of the Board to communicate this information to the Governments taking part in the naval observation scheme;

(c) to submit a report to the Board, for transmission to the International Committee whenever one of the Observing Officers reports to him that he has witnessed in a Spanish port either the unloading of arms or war material, or the disembarkation of foreign nationals entering that country, in contravention of the Non-Intervention Agreement, for the purpose of taking service in the present conflict from a vessel in which he was stationed;

(d) to submit to the Chief Administrator, for the information of the Board, periodical reports in regard to all vessels on which Observing Officers have been embarked and from which no cargo or passengers have been landed in Spanish ports in contravention of the Non-Intervention Agreement.

The duties to be imposed on the masters of ships, the facilities to be granted to, and the duties of, the Observing Officers.

10. The duties to be imposed on the masters of ships having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement, and the facili-

ties to be granted to, and the duties of, the Observing Officers will be as follows:

(a) the participating Governments will instruct the masters of all ships having the right to fly the flags of their respective countries, before proceeding to a Spanish port, to call at one of the Observation Ports specified in paragraph 12 below for the purpose of embarking Observing Officers, and, having done so, to give all necessary facilities to those officers to enable them to discharge the duties set out in (c) below, and to disembark such officers at another port indicated by the Administrator or Deputy Administrator in accordance with paragraph 18 below, these facilities to include the right—

(i) at any convenient time during the voyage to obtain all necessary information from the master as to the cargo carried which is consigned to Spanish ports, and to inspect papers relating thereto;

(ii) at any convenient time during the voyage to obtain all necessary information from the master, and, in his presence, or in that of an officer nominated by him for the purpose, to interrogate passengers, officers and crew, proceeding to Spanish ports and to examine the passports of passengers and the identity papers of the officers and crew;

(iii) to be present at the unloading of any goods or disembarkation of any persons in a Spanish port, and to require the master to have opened for inspection any package which is being unloaded, and which the Observing Officer has reasonable grounds for suspecting to contain war material sent in contravention of the Non-Intervention Agreement, and to require the master to have any necessary unpacking, repacking and sealing-up done;

(b) the Chief Administrator, Administrators, and Deputy Administrators and their subordinates will be granted by the participating Governments the immunities normally accorded to diplomatic and consular officers; the right of free communication with the Board will be granted to the Chief Administrator, and to Administrators and to Deputy Administrators, subject to any directions issued by the Board or (in the two last-named cases) by the Chief Ad-

ministrator; and the Chief Administrator, Administrators and Deputy Administrators and their subordinate staff will be granted full facilities to enable them to exercise the rights and to discharge the duties assigned to them, and, in particular, these officers will be granted the same priority for telephone and telegraph services as are accorded to diplomatic officers stationed in, or to the national officials of, the country in question; and the Observing Officers, when engaged on duty at sea, will be granted the same priority for telephone and telegraph services as are granted to the service messages of the master of the vessel on which they have been embarked;

(c) The duties of the Observing Officers, when on board vessels in Spanish ports, will be to take, within the limit of the facilities accorded to them under (a) above, all steps which they may consider necessary to satisfy themselves:

(i) whether any arms or war material of the classes covered by the Non-Intervention Agreement are being unloaded; and

(ii) whether in contravention of the Non-Intervention agreement, any foreign nationals intending to take service in the present conflict are being disembarked;

(iii) on leaving any Spanish port that no passenger or member of the crew, who may have left the ship while in port, has failed to return in contravention of the Non-Intervention Agreement;

(d) The participating Governments will issue any instructions which may be necessary to require any owners and masters of vessels having the right to fly flags of their respective countries to take all steps in their power to prevent the landing in a Spanish port, in contravention of the Non-Intervention Agreement, of any arms or war material or passengers which or who the Observing Officers may ascertain are being carried by the vessel in question;

(e) The Observing Officers, on their disembarkation, will immediately submit to the Administrator or Deputy Administrator in charge of the nearest Observation Port a report in writing, stating either that no offence against the Non-Intervention Agreement has been committed by the ship in which they had been stationed, or, if such an offence has been committed, what is the nature of the offence;

(f) The participating Governments will take such legal or other proceedings as may be found appropriate against the owners or masters of vessels in cases indicated in (e) above, and in due course will submit a report to the Board regarding any penalties inflicted.

The Observation Ports.

11. It is an essential part of the scheme that the Observation Ports at which the ships having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement will embark Observing Officers should be determined in accordance with definite rules, though, in particular cases, or particular classes of cases, the Administrators in charge of any of the principal Observation Ports referred to in paragraph 13 below will have the right to make special arrangements for the embarkation of Observing Officers at other ports to suit, as far as possible, the convenience of the shipping concerned from the commercial point of view, subject to the general provisions contained in paragraph 6 above.

12. At the outset of the scheme, the obligation to be laid on merchant ships proceeding to Spanish ports (other than the Canary Islands, which are dealt with in paragraph 14 below), will be in accordance with the following rules:

(a) If the ship is passing in either direction through the Straits of Gibraltar before calling at any Spanish port she will call at Gibraltar, it being understood that *this rule overrides all the following rules, which therefore only apply to vessels which do not come within its scope*;

(b) If the ship is passing through the English Channel on her way to a Spanish port from a port lying to the north of Dover, she will call either at Dover or at the Downs;

(c) If the ship (not being a ship covered by (b) above) proceeds to a Spanish port from a Channel port south of Dover, she will call at Cherbourg, unless the ship is proceeding from a port between Cherbourg and Brest, in which case she will be dealt with under (d) below;

(d) If the ship is proceeding from the Irish Free State or from Northern Ireland or from the Irish and Bristol Channels, or from a port between Cherbourg and Brest, she will call at Brest;

(e) If the ship (not being a ship covered by (b) above) proceeds to a Spanish port from a French Atlantic or Biscayan port south of Brest, she will call at Le Verdon;

(f) If the ship is approaching westward through the Mediterranean or from a port in the Mediterranean, East of Longitude 12° East, she shall call at Palermo, unless for commercial reasons, she is in any case proceeding to Marseilles, in which case it shall be permitted to embark Observing Officers at that port;

(g) If the ship (not being a ship covered by (f) above) proceeds to a Spanish port from a North African port west of Longitude 12° East, she will call at Oran;

(h) If the ship (not being a ship covered by (f) above) proceeds to a Spanish port from a port on the French or Italian Coast between Marseilles and Longitude 12° East, or from Corsica or Sardinia, she will call at Marseilles;

(i) If the ship (not being a ship covered by (f) above) proceeds to a Spanish port from a French Mediterranean port west of Marseilles, she will call at Cette;

(k) If the ship is approaching from the west of Longitude 15° West, or is approaching in the Atlantic from the southward of Latitude 28° N., she will call at one of the following ports, viz., Madeira, or Gibraltar, or Lisbon;

(l) If the ship is coming from a port on the Atlantic seaboard of Morocco, she will call at Gibraltar, or, in the case of ships proceeding to Spanish ports north of Portugal, at Lisbon;

(m) If the ship is coming from a Portuguese port, she will call at Lisbon.

Definition of principal Observation Ports.

13. The Observation Ports which are to be regarded as principal Observation Ports at the outset of the scheme are the following:

The Downs (or Dover).

Cherbourg.

Lisbon.

Gibraltar.

Marseilles.

Palermo.

Madeira.

Special provisions in relation to the Canary Islands.

14. The Committee accepts the principle that observation shall be applied with equal efficiency to all parts of Spanish territory. The method of applying observation in the case of the Canary Islands presents special difficulty, but a system of observation will be determined by the International Committee not later than the 31st March, 1937, and will be brought into operation at the earliest possible date thereafter.

The provision of accommodation at sea for Observing Officers.

15. The owners of vessels having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement, proceeding to Spanish ports, will be under an obligation to provide accommodation for the Observing Officers equivalent to that normally provided in corresponding vessels belonging to the same nation, for officers such as mates or, in a passenger ship (*i. e.*, a ship having accommodation for more than twelve passengers), for first-class passengers. In cases where there is no accommodation classed as first class, the accommodation to be provided will be of the highest class in the ship.

16. Shipowners will be placed under an obligation to provide messing similar to that provided for the masters of the ships concerned or for first-class passengers, for which payment will be made from the International Fund referred to in paragraph 52 below at a standard rate or rates to be approved by the International Committee on the recommendation of the Board.

17. The Observing Officers will be carried on the same conditions with regard to liability for life and property as are passengers on the vessel in question.

The disembarkation of Observing Officers.

18. Subject to the approval of the Chief Administrator referred to in paragraph 7 above, the Administrator or Deputy Administrator in charge of each Observation Port will have the right to require the master of a ship which has embarked Observing Officers to disembark them at any port which would not entail an unreasonable deviation after

the vessel has finally quitted Spanish waters. To this end the master of such a ship will be put under an obligation to disembark the Observing Officers (at the discretion of the Administrator or Deputy Administrator at the port of embarkation) either at the Observation Port nearest to the route that the master intends to follow after leaving Spanish waters, or at any other port which does not entail more than 50 sea miles' additional steaming.

Special arrangements for regular trades.

19. Shipowners engaged in regular trade with Spanish ports will be permitted, should they so desire, to arrange with the Board for Observing Officers to be stationed continuously on board their vessels, the additional expenditure involved being defrayed by the shipowner concerned. It will be the duty of the Board to arrange for such Observing Officers to be changed at reasonably frequent intervals.

No liability in respect of delay or diversion of ships.

20. No payment will be made from the International Fund referred to in paragraph 52 below to shipowners in respect of delay or diversion occasioned by the necessity to embark or disembark Observing Officers, provided either—

(a) that the Administrator or Deputy Administrator in charge of the Observation Port concerned embarks the Observing Officer or Officers at the earliest possible moment, and, in any case, not later than four hours after the master or agent of the ship shall have reported its arrival to the Administrator or Deputy Administrator in charge of the port; or

(b) that the provisions in (a) above will not apply in those cases where the special arrangements indicated in paragraph 11 above have been brought into operation; or

(c) that, if the Administrator or Deputy Administrator is unable to comply with (a) above, he will hand to the master of the ship a document certifying that he called at the port in order to comply with the scheme and that no Observing Officers were available to be embarked in his ship, the Administrator or Deputy Administrator in all such cases reporting the circumstances immediately to the Board.

Exemption of ships from dues in certain cases.

21. The Representatives of the Governments of the countries in which the Observation Ports are situated will consult with one another with a view to reaching agreement, on behalf of their respective Governments, (a) for the exemption, on a mutual basis, of ships calling at those ports merely for the purpose of embarking and disembarking Observing Officers, from dues and other charges (excluding pilotage) normally paid by ships entering those ports, or, (b) if this is not possible, for the reduction of these charges to an equal extent in each of the countries concerned. In so far as such exemptions or reductions cannot be secured, the expenditure involved, together with expenditure incurred on pilotage, except in those cases in which the ship would in any case for commercial reasons have called at the port in question, will be defrayed from the International Fund referred to in paragraph 52 below.

22. The Administrators and Deputy Administrators in charge of Observation Ports will arrange, wherever possible, for Observing Officers to be embarked in such positions as will not necessitate the ships in question incurring either pilotage or dues.

IV. THE ESTABLISHMENT OF A SYSTEM OF NAVAL OBSERVATION OF THE COASTS OF SPAIN AND THE SPANISH DEPENDENCIES

The general character of the scheme for naval observation.

23. In order to ensure that the procedure, prescribed in paragraph 6 above and subsequent paragraphs, in regard to the scheme for sea observation is duly observed, a system of naval observation will be established around the Spanish coasts.

The Powers by which naval observation will be exercised.

24. The duty of naval observation will be undertaken by the Governments of the United Kingdom, France, Germany and Italy.

The establishment of Observation Zones.

25. For the purpose of naval observation the Spanish coasts will be divided into zones, and the responsibility for observation within each zone will rest exclusively upon the Naval Power exercising observation in that zone.

The delimitation of the Observation Zones.

26. At the outset of the scheme, for the purposes indicated in paragraph 25 above, the Spanish coasts will be divided into the following zones:

- A. On the north coast of Spain from the French frontier to Cape Busto.
- B. On the north-west coast of Spain from Cape Busto to the Portuguese frontier.
- C. On the south coast of Spain from the Portuguese frontier to Cape De Gata.
- D. On the south-east coast of Spain from Cape De Gata to Cape Oropesa.
- E. On the east coast of Spain from Cape Oropesa to the French frontier.
- F. The Spanish-Moroccan coast.
- G. The Islands of Iviza and Majorca.
- H. The Island of Minorca.¹

27. The duties of naval observation within each zone will only be exercised within a distance of ten sea miles from any point on the Spanish coast.

The allocation of the Observation Zones among the naval Powers concerned.

28. At the outset of the scheme responsibility for the observation zones will be allocated as follows:

- A. United Kingdom.
- B. France.
- C. United Kingdom.
- D. Germany.
- E. Italy.
- F. France.
- G. France
- H. Italy.

The establishment of a special régime in the territorial waters of the countries adjacent to Spain.

29. In order to avoid the risk of ships escaping observation by entering Spanish territorial waters direct from the

¹ The question of the establishment of naval observation around the Canary Islands will be dealt with in accordance with the principles set out in paragraph 14 above.

territorial waters of one of the adjacent countries, the Governments of the adjacent countries will themselves exercise observation over ships passing through these waters. The Governments of the adjacent countries will in due course notify to the International Committee the steps which they have severally taken to give effect to this arrangement, and will communicate to the Committee particulars regarding any infringements of the Non-Intervention Agreement which may be detected in this manner.

Duties of the Powers undertaking naval observation.

30. Each of the Governments exercising naval observation will—

(a) report immediately to the International Committee the arrival in any Spanish port in one of the zones for which it is responsible of any ship the name of which has not been notified as having submitted to observation, and will notify to the International Committee the name of any ship which refuses to submit to observation, when the need for such observation has been pointed out to it in the manner prescribed in paragraph 38 below;

(b) submit periodical reports to the International Committee, giving full particulars regarding the arrival of all ships entering Spanish ports within the zones for which it is responsible.

The method of observation to be adopted.

31. The actual method by which observation will be exercised in each zone will be left to the discretion of the Government to whom responsibility for that zone is allotted, subject to the qualification that, if any Government desires to make special arrangements to control the movements of ships in a manner such as that indicated in paragraph 36 below, it shall first obtain the consent of the International Committee.

Distance from coast at which naval observation will be conducted.

32. Ships having the right to fly the flags of the countries which are parties to the Non-Intervention Agreement, proceeding to Spanish ports will only be liable to the system of naval observation prescribed in paragraph 23 above when

they are not more than ten sea miles from the nearest point on the Spanish coast. Further such ships will only be subject to naval observation by the naval vessels of the particular Power which has accepted responsibility for observation in the zone in question.

The use of special flags in connection with the scheme.

33. The naval vessels, while actually engaged in the task of naval observation, will fly the pennant which has already been adopted under the terms of the North Sea Fisheries Convention. Ships which have the right to fly the flags of the countries which are parties to the Non-Intervention Agreement will, when proceeding to Spanish ports, after having embarked Observing Officers at one of the Observation Ports, or having, in lieu thereof, been granted a certificate in the manner prescribed in paragraph 20 above, fly also a specially agreed pennant to indicate that they have complied with the procedure laid down in the paragraph referred to above.

34. The mere fact that a ship having the right to fly the flag of any of the countries which are parties to the Non-Intervention Agreement, when approaching a Spanish port, is flying the specially agreed pennant referred to in paragraph 33 above, will not be regarded by the vessels engaged in naval observation as affording evidence that the ship in question is in fact carrying Observing Officers, and the naval vessels concerned will take all necessary steps, as laid down in paragraph 37 below, to verify the character of the ship in question.

35. Severe penalties will be imposed by the participating Governments on the masters of ships, having the right to fly their respective flags who fly on their ships the specially agreed pennant referred to in paragraph 33 above, if there are no Observing Officers on board their vessels, or unless they have been furnished with a certificate in accordance with paragraph 20 (c) above.

The establishment of focal areas in certain cases.

36. In order to simplify the work of naval observation, the Powers undertaking that observation may establish in the approaches to some or all of the zones focal areas through

which all ships having the right to fly the flag of the countries which are parties to the Non-Intervention Agreement, proceeding to ports within those zones would be required to pass, but, as stated in paragraph 31 above, such focal areas will not be established without the prior approval of the International Committee.

The duties and rights of officers commanding vessels taking part in the scheme.

37. The Governments which are parties to the Non-Intervention Agreement will take such steps as are necessary to confer upon the officers in command of the naval vessels engaged in naval observation the right, within the area laid down in paragraph 32 above:

(a) to verify the identity of any ship, having the right to fly the flag of any of the participating countries that may be thought to be proceeding towards any port in Spain or in the Spanish Dependencies; and for this purpose, when necessary, to order such ships to stop, to board them and to examine their certificates of registry and clearance documents, and to ascertain whether there are Observing Officers on board;

(b) to ascertain whether the ship has called at one of the Observation Ports enumerated in paragraph 12 above, and has taken on board Observing Officers, or has been furnished with a document by the Administrator or Deputy Administrator in charge of an Observation Port, certifying that the vessel had called at the port in accordance with paragraph 20 (c) above;

(c) if and when a special plan has been submitted to, and approved by, the International Committee, to establish focal areas in the approaches to each zone, and to require all ships having the right to fly the flag of any of the participating countries to pass through the areas so established, when entering the zone.

38. No right of search will be accorded to the naval vessels engaged in naval observation, but whenever a ship fails to comply with the instructions of a naval vessel engaged in naval observation, given in accordance with the provisions laid down in paragraph 37 above, or whenever the officer in command of a naval vessel ascertains that the master of a

ship has not complied with the procedure laid down in paragraph 12 above, or has improperly flown the special pennant referred to in paragraph 33 above, he will draw the attention of the master to his obligations under the Non-Intervention Agreement to which the Government of his country is a party, and will point out that he would therefore be committing an offence against the laws of his own country unless he submits to observation before reaching a Spanish port. Non-compliance by a particular ship with the procedure here laid down will be regarded as *prima facie* evidence that the ship has committed a breach of the Non-Intervention Agreement, and will entail the consequences indicated in paragraph 39 below.

39. In the circumstances outlined in paragraph 38 above, the officer in command of the naval vessels will submit a report to his Government, so that that Government may report the matter both to the International Committee and to the Government of the country to which the vessel in question belongs, in order that legal proceedings can be taken in the courts of that country. Any necessary evidence of the officers or crew of the naval vessel or of the Administrators and Deputy Administrators or their subordinate staff will, wherever possible, be taken upon commission in the method prescribed in the country concerned, in order to avoid the necessity of these witnesses having to proceed to the country in which the trial takes place.

Reports to be submitted by participating Governments in certain cases.

40. In the event of the master of any ship having the right to fly the flag of any of the countries which are parties to the Non-Intervention Agreement, being detected by a naval vessel engaged in naval observation, while attempting to commit a breach of the Non-Intervention Agreement in the manner indicated in paragraph 39 above, the Government of the country in which the ship so detected is registered will submit a full report to the International Committee regarding the circumstances of the case and, later, regarding the legal or other penalties inflicted upon the owner or master of the ship in question as the case may be.

V. THE INTERNATIONAL STAFF REQUIRED FOR THE
OBSERVATION SCHEME

41. One of the most difficult tasks in the course of the preparation of the observation scheme has been to decide the number of international officials whom it will be necessary to employ to ensure the efficient operation of the scheme.

42. In this task careful consideration has been given to estimates which have been prepared by Technical Advisory Sub-Committees composed of experts nominated by the Representatives of those countries which are members of the Chairman's Sub-Committee of the International Committee. These estimates have been accepted as the most reliable which in existing circumstances it is possible to obtain. Nevertheless, it is impossible at this stage to determine with certainty how many officials will be required for the proper discharge of each part of the scheme. The arrangements which have been agreed upon for the staffing of this organisation must thus be regarded as tentative only, and as liable to revision in one direction or another in the light of experience gained in the actual operation of the scheme.

43. It is an essential feature of the scheme that it will be brought into operation in a series of stages.

44. The first stage will begin when the Chief Administrators, Administrators and Deputy Administrators and their personal staffs have been appointed and have taken up their respective posts. These officials will at once enter into the closest relations with the national officials of the countries in which they are stationed and will make all arrangements necessary to bring the next stage into operation. In this same period arrangements will be made for the recruitment of the subordinate officials who will be required.

45. The second stage will begin when a sufficient number of subordinate officials have been recruited and despatched to their posts, to enable the supervision scheme to be brought into operation on a skeleton basis. During this stage, it is envisaged that the Board will exercise their discretion as to the interim arrangements necessary until it is possible to bring the full scheme into operation.

46. The third and final stage will be reached when the full complement of officials for each branch of the scheme has been recruited and they have been despatched to their posts.

47. It is anticipated that considerable practical experience regarding the number of officials required for each part of the scheme will have been gained during the period in which the scheme will have been in operation on a skeleton basis. It has been agreed, therefore, that at the end of the second stage referred to in paragraph 45 above the officers in charge of the main divisions of the scheme should be instructed to prepare for submission to the Board interim reports describing the working of the portions of the scheme for which they are severally responsible, and setting out their recommendations in regard to staff requirements.

48. If either of the Chief Administrators or the Administrator at Gibraltar is of the opinion that, even with the full staff provided in the scheme now agreed upon, he would not have at his disposal a sufficient number of officials for the proper discharge of his duties, the International Committee will take such steps as may be found, on examination, to be necessary to ensure the efficient operation of the portion of the scheme in question.

49. In the light of the foregoing considerations, it has been agreed to recruit the staffs shown below for each of the principal portions of the Scheme.

(a) *For the Franco-Spanish frontier.*

130 Observing Officers and Assistant Observing Officers.

(b) *For the Gibraltar-Spanish frontier.*

5 Observing Officers and Assistant Observing Officers.

(c) *For the sea observation scheme.*

550 Observing Officers and Assistant Observing Officers.

50. The figures given above are in each case exclusive of the Chief Administrators, Administrators, and Deputy Administrators, and their personal and administrative staffs.

VI. THE COST OF THE SCHEME

The cost of the schemes of land and sea observation.

51. The cost of the scheme as set out in Chapters II and III of the present Annex is estimated at £834,000 if it were to continue in operation for a full period of twelve months.¹

Establishment of an International Fund.

52. In order to provide the funds required, it has been agreed to establish an International Fund to which the several Governments will contribute on agreed scales.

The administration of the International Fund.

53. The International Fund established in accordance with paragraph 52 above will be administered by the Board.

The cost of the scheme of naval observation.

54. Each of the Naval Powers participating in the scheme of naval observation (paragraphs 23 to 40 above) will defray the cost of observation which it has itself agreed to undertake.

¹His Majesty's Government in the United Kingdom have made themselves directly responsible for the payment of 80 per cent. of the cost of the special arrangements in Portugal, the remaining 20 per cent. being paid by the Portuguese Government themselves. This liability is estimated at £64,000, and a corresponding adjustment of the percentages will be made to ensure a fair distribution of financial liabilities. This adjustment will not entail any changes in the sums paid to the International Fund by the respective Governments, except in the case of His Majesty's Government in the United Kingdom.